

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RUSSELL DUANE MCNEIL

No. CV-13-3065-CI

Petitioner,

ORDER DIRECTING SERVICE

vs.

*****ACTION REQUIRED*****

MAGGIE MILLER-STOUT,

Respondent.

Petitioner, a prisoner at the Airway Heights Corrections Center, is represented by Lenell Nussbaum. The Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 was filed upon receipt of the \$5.00 filing fee on June 25, 2013, ECF No. 1. At this time, **IT IS ORDERED:**

1. Pursuant to Rule 4, Rules Governing Section 2254 Cases in the United States District Courts, the District Court Executive shall serve copies of this Order, the petition and all supporting documents on Respondent and the Office of the Attorney General for the State of Washington, Criminal Justice Division. All costs of service shall be advanced by the United States.

2. Respondent shall file and serve an answer within **FORTY-FIVE (45) days** of receipt of a copy of this Order. *See* Rule 5, Rules Governing Section 2254 Cases in the United States District Courts. Respondent should state in the answer whether Petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, whether there is any issue of abuse or delay under Rule 9, Rules Governing Section 2254 Cases in the United States District Courts, and

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1 discuss the availability of transcripts. Respondent shall attach to the answer
2 portions of the transcripts deemed relevant. IF RESPONDENT CHOOSES TO
3 PROCEED BY MOTION TO DISMISS RATHER THAN ANSWER, THE
4 MOTION SHALL BE STYLED AS ONE UNDER RULE 8, RULES
5 GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT
6 COURT.

7 **3. The District Court Executive shall set a case management deadline**
8 **sixty (60) days after the date of this Order.**

9 The District Court Executive is directed to enter this Order and forward a
10 copy to counsel.

11 DATED June 28, 2013.

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13 S/ CYNTHIA IMBROGNO
14 UNITED STATES MAGISTRATE JUDGE
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